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Mr. Preble E. Pettit  
Commissioner, Department of Public Welfare  
State Office Building  
Phoenix, Arizona

Dear Preble:

In answer to your letter of January 7, 1953, wherein you request our opinion as to whether it is permissible to pay a salary from blind services funds to an individual placed in charge of the workshop for the blind, we enclose herewith our opinion as to this matter.

Our holding concerning this question is based in part upon the theory that the 1948 amendment to Section 70-108, Arizona Code Annotated 1939 (Chapter 20, Laws of 1948, Seventh Special Session) is still the law although the 1952 Cumulative Supplement to the 1939 Code indicates that this section has been repealed. Said section was repealed by Chapter 13, Laws of 1951, First Regular Session. Subsequently thereto, and prior to the effective date of such Act, the repeal itself was repealed by Chapter 13, Laws of 1952, Second Regular Session. Thereafter the Act was referred to the voters of Arizona for their approval. Hence, it appears that even though Section 70-108 and the 1948 amendments thereto were repealed, the repeal never became effective and that the 1948 provisions still stand.

We trust that our findings will be of assistance to you.

Yours very truly,

JAMES P. BARTLETT  
Assistant to the  
Attorney General

JPB:F  
enc.

January 14, 1953  
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TO: Commissioner, Department of Public Welfare

RE: Permissibility of paying salary from  
Blind Service Fund to individual in  
charge of workshop for blind.

QUESTION: "Is it permissible to pay a salary  
from Blind Service Funds to an  
individual placed in charge of  
workshop for the blind, the work  
being in no way connected with  
State or County administration?"

In connection with this question Sections 70-108 (c) and  
70-306, Chap. 20, Seventh Special Session Laws of 1948, as amended,  
deal specifically with the authority of the State Department to  
furnish services to the blind. These sections provide that the  
State Department shall:

"70-108. (c) Develop such agencies as it may  
deem necessary for providing services to the  
blind including prevention of blindness, the  
location of blind persons, medical service for  
eye conditions, vocational guidance and training  
of the blind, placement of blind persons in  
employment, instruction of the adult blind in  
their homes, and other social services for blind  
persons, or cooperate with such similar agencies  
already established." (Emphasis supplied)

"70-306. \* \* \* appoint an advisory committee,  
of which the superintendent of the state school  
for the deaf and blind, and the superintendent  
of public health shall be ex-officio members,  
which shall make a study and recommend to the  
state department a program of constructive ser-  
vice for the blind, with special emphasis upon  
prevention, cure and rehabilitation. Funds  
appropriated under this Act may be utilized for  
the purpose of providing such constructive  
service." (Emphasis supplied)

Commissioner,  
Department of Public Welfare

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It is thus seen from the above provisions that the state department is directed to develop such agencies it may deem necessary to provide service to the blind. Section 70-108 (e) specifically mentions vocational guidance and training of the blind. The department is further directed in Section 70-306 to appoint an advisory committee to study and recommend a program of constructive service to the blind, especially emphasizing rehabilitation. This section specifically states that "funds appropriated under this Act may be utilized for the purpose of providing such constructive service."

It is our opinion that a person placed in charge of the workshop for the blind would be included within the above provisions and that such provisions would allow the expenditure of moneys to cover the salary of such individual.

The appropriations made by the Twentieth Legislature, Second Regular Session, Chapter 149, Subdivision 30, provides an amount of \$795,158.00 for the administration of state and county offices only. Inasmuch as the workshop for the blind is not a part of the state or county administration, no use of these funds may be made for the purpose of paying the salary of such individual. Thus, the salary must be paid from some other specified appropriation and we have concluded that the additional appropriation set out in Chapter 149, Subdivision 30 for Blind Services represents the proper source for such compensation.

Yours very truly,

JAMES P. BARTLETT  
Assistant to the  
Attorney General

JPB:F